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DEPARTMENT OF PLANNING
STAFF REPORT

BOARD OF SUPERVISORS PUBLIC HEARING

DATE OF HEARING: May 9, 2011
ZMAP 2006-0026 Lambert Property
DECISION DEADLINE: February 25, 2012
PROJECT PLANNER: Marchant Schneider DIRECTOR: Julie Pastor
ELECTION DISTRICT: Dulles

EXECUTIVE SUMMARY

Cedar Hunt Development-Loudoun, LLC of McLean, Virginia, proposes to rezone approximately 190.06 acres within the Lower Foley and Lower Bull Run Subareas of the Transition Policy Area to the PD-H3 (Planned Development Housing) zoning district in order to develop up to 215 single-family detached dwelling units and up to 140 single-family attached dwelling units for a total of 355 residential units at an overall density of 1.88 dwelling units per acre. The application also proposes up to 40,000 square feet of day care, retail, and commercial uses as well as a 9.5 acre community center / active recreation site and 23.1 acre public use site.

The site is currently zoned TR3-LF (Transitional Residential-3) and TR3-LBR (Transitional Residential-3). The proposed PD-H3 district is to be administered as R-8 (Single Family Residential) and PD-CC-NC (Planned Development-Commercial Center-Neighborhood Center). The Applicant is also requesting modifications of the Zoning Ordinance in order to increase the combined total gross floor area for convenience establishments from 10,000 square feet to 40,000 square feet and to eliminate required open space buffer yards between convenience establishments and residential uses.

The property is located on the west side of Bull Run Post Office Road approximately one-half mile south of Braddock Road at 26331 and 26479 Bull Run Post Office Road. The area is governed by the policies of the Revised General Plan (Transition Policy Area) which designate the area for residential development at densities up to 2 dwelling units per acre in a Countryside Village (Lower Foley Subarea), up to 1 dwelling unit per 3 acres in a Rural Village (Lower Bull Run Subarea), or up to 3 dwelling units per acre in the Lower Foley Subarea with density transfer from the Lower Bull Run Subarea.

Subsequent to the Planning Commission recommendation in December 2007, the Applicant extended the application decision deadline in order to continue negotiations with adjacent landowners regarding off-site right-of-way necessary to support the project. The Applicant submitted revised materials on February 9, 2011, and requested that the application be scheduled for Board of Supervisors public hearing.

RECOMMENDATIONS

Planning Commission

At its worksession on December 10, 2007, the Planning Commission voted 8-1 (Lewis opposed) to forward the application to the Board of Supervisors with a recommendation of approval based on the Findings included on Page 10 of this report.

Staff Recommendation

Staff cannot support the application. Due to the limited size and physical constraints of the subject property, the application does not achieve the design objectives envisioned for a Countryside Village, which would justify higher residential densities. A residential cluster at 0.33 units per acre or 63 total units is recommended consistent with the residential densities of the existing and approved planned developments within the Lower Foley Subarea.

OTS staff is reviewing the Applicant's revised traffic study; however, the Applicant's proposed option to improve Bull Run Post Office Road is inconsistent with the 2010 Revised Countywide Transportation Plan.

SUGGESTED MOTIONS

1. I move that the Board of Supervisors forward ZMAP 2006-0026, Lambert Property, to June 7, 2011 Business Meeting for action.

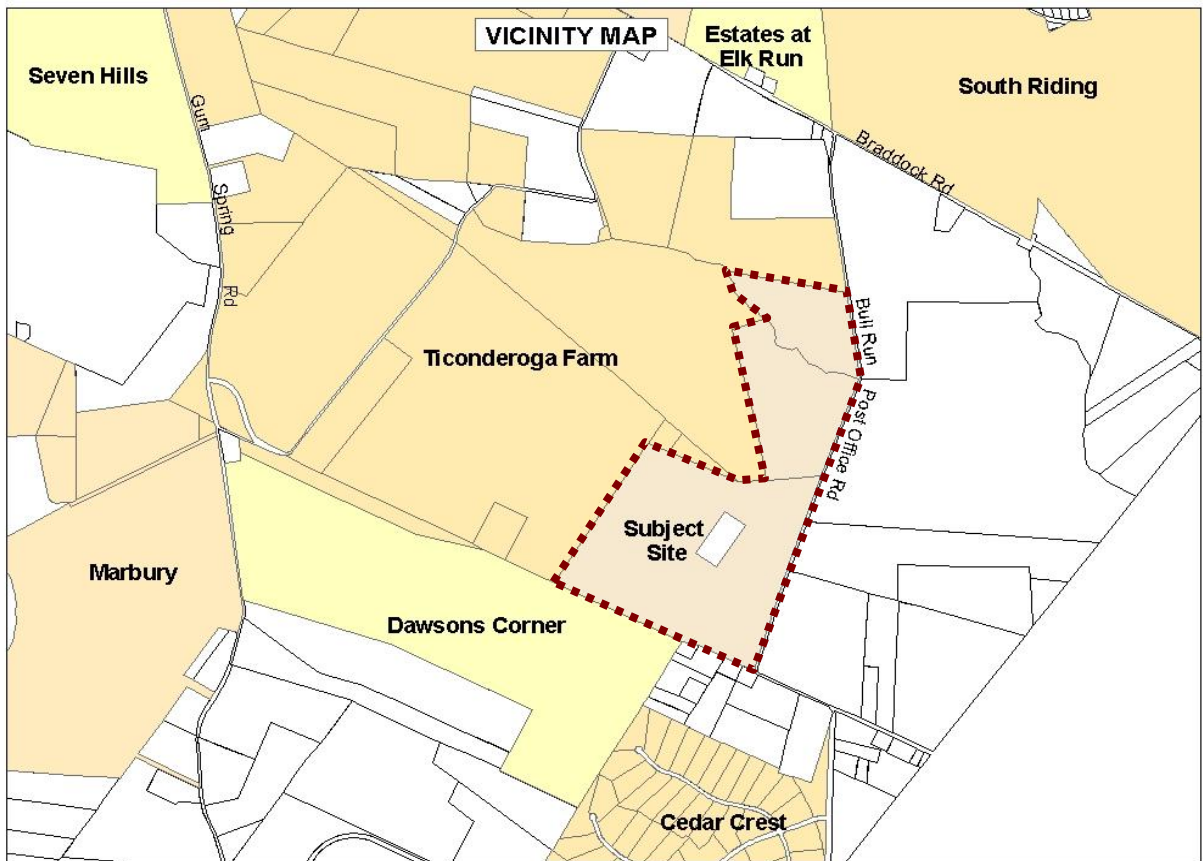
OR,

2. I move that the Board of Supervisors forward ZMAP 2006-0026, Lambert Property, to the Transportation and Land Use Committee for further discussion.

OR,

3. I move an alternate motion.

VICINITY MAP



Created by the Department of Planning, June 1, 2007. All boundaries are approximate.

Directions:

From Leesburg, take Route 15 south to east Route 50 (Gilberts Corner). Turn south on Gum Springs Road (Route 659) to east Braddock Road. Turn south on Bull Run Post Office Road. The property is located on the west side of Bull Run Post Office Road.

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I. APPLICATION INFORMATION

APPLICANT Cedar Hunt Development Loudoun, LLC
Bradford S. Kline
1750 Tysons Blvd., Suite 530
McClean, VA 22102

REPRESENTATIVE Reed Smith, LLP
Michael Banzhaf,
3110 Fairview Park Drive, Suite 1400
Falls Church, Virginia 22042

APPLICANT'S REQUEST A **Zoning Map Amendment** to rezone to PD-H3 (administered as R-8 and PD-CC-NC) to permit up to 215 single-family detached and 140 single-family attached dwelling units (47 affordable). Three zoning ordinance modifications to increase the combined total gross floor area for convenience establishments and eliminate open space buffer requirements for convenience establishments within a PD-H district.

LOCATION South of Braddock Road, west side of Bull Run Post Office Road and north side of Buffalo Run Lane

TAX MAP/PARCEL # Tax Map /106/////44/ PIN 130-15-3346
Tax Map /106/////43 PIN 168-40-6630
Tax Map /106/////39 PIN 168-19-6592

ZONING TR3-LF, TR3-LBR

ACREAGE OF SITE 190.06

SURROUNDING ZONING/ LAND USES

	ZONING	PRESENT LAND USES
NORTH	TR3-LF	Ticonderoga Farms
SOUTH	PD-H3/TR3-LBR	Residential and Dawsons Corner
EAST	TR3-LF	Residential
WEST	TR3-LF/TR3-LBR	Ticonderoga Farms

II. LAND USE IMPACT FACTORS

CATEGORIES	FACTORS
Proposed Residential Units by Type	SFD: 215 SFA: 95 MF: 0 ADU: 45 Total: 355 dwelling units
Allowable Residential Units By-right and by Planned Land Use	By Right: 1 dwelling unit/3 acres x 190.06 acres = 63 dwellings units Planned Land Use: Lower Foley: 2 dwelling units/acre x 153.31 acres (Countryside Village) = 306 dwellings units. Lower Bull Run: 1 dwelling unit/3 acres x 36.75 acres (Rural Village) = 12.25 dwelling units. Total = 312.25 dwelling units
Current Units Existing and Approved (<i>projects of 20 units +</i>) in the Subarea	26,509 (<i>Dulles sub-area, 2008 Growth Summary</i>)
Student Generation from Proposal	HS: 65 MS: 51 ES: 116 Total: 232 students
Schools Assigned (by Name) Total Capacity / Student Enrollment <i>Note: School Board may modify attendance zones.</i>	HS: Freedom 1816 / 1630 MS: Mercer 1121 / 1117 ES: Buffalo Trail 813 / 906
Anticipated Capital Facility Contribution	\$9,938,843.00 (<i>based on CIF adopted July 25, 2006 due to Planning Commission Hearing held prior to adoption of 2009 CIF</i>)
Proffered Capital Facility Contribution by Value and Type	Cash: \$5,338,843 (w/ transportation Option 1) \$5,138,843 (w/ transportation Option 2) Land: \$0 Construction: \$0 Transportation Credited: \$3,000,000 (Option 1)* \$3,200,000 (Option 2)* <i>*Transportation Credits are construction estimates provided by the Applicant that have not been confirmed by OTS staff</i> Public Use Site (23.1 Acres) Credited: \$1,600,000 Total value: \$9,938,843.00

<p>Proffered Transportation Contributions / Phasing Triggers</p> <p>(ZMAP Proffer Statement dated April 22, 2011)</p>	<p>1. Bull Run Post Office Road (onsite)</p> <p><u>Prior to 64 Dwelling Units:</u> Dedicate ROW/bond/construct two-lane half section of Bull Run Post Office Road / Future Loudoun County Parkway with turn lanes and transitions along property frontage from northern edge of Landbay A to entrance to Landbay B. Construct 10' asphalt trail along property frontage.</p> <p><u>Prior to 264 Dwelling Units:</u> Dedicate ROW/bond/construct two-lane half section of Bull Run Post Office Road / Future Loudoun County Parkway with turn lanes and transitions along property frontage from entrance to Landbay B to southern property line. Construct 10' asphalt trail along property frontage.</p> <p>2. Off-Site Regional Transportation Improvements.</p> <p><i>**BOS to select one of two options below within 120 days of issuance of 1st dwelling unit zoning permit.</i></p> <p>(Option 1)</p> <p>Dedicate ROW/ bond/construct two-lane section of Bull Run Post Office Road, with required turn lanes, transitions, and 5' wide sidewalk (west side) from Braddock Road to northern edge of Landbay A. Constructed and open to traffic prior to 264th dwelling unit.</p> <p><i>And</i></p> <p>Dedicate ROW/ bond/construct two-lane section of Bull Run Post Office Road, with required turn lanes and transitions, from southern edge of property to Cedar Ridge Boulevard. Constructed and open to traffic prior to 264th dwelling unit.</p> <p>(Option 2)</p> <p>Dedicate ROW/ bond/construct two-lane half section of four-lane, median divided Future Loudoun County Parkway, with required turn lanes and transitions, from Braddock Road to northern edge of Landbay A. Constructed prior to 264th dwelling unit.</p> <p>3. Signalization.</p> <p>Install traffic signal at Braddock Road / Bull Run Post Office Road if warranted after 100th zoning permit and before 250th zoning permit or contribute cost of design and construction.</p> <p>4. Transit Contribution. \$500 per market rate dwelling unit (310 units = \$155,000)</p> <p>5. Construction of Improvements by Others. Contribute amount equivalent to cost of onsite proffered improvements to Bull Run Post Office Road. Cash in-lieu of Option 1: \$3,000,000. Cash in-lieu of Option 2: \$3,200,000.</p>
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III. REFERRAL AGENCY COMMENT SUMMARY

REFERRAL AGENCY	ISSUES EXAMINED AND STATUS
Comprehensive Plan	<ul style="list-style-type: none"> ○ Conformance with <u>Revised General Plan</u> (RGP) (Transition Policy Area – Lower Foley and Lower Bull Run). Implement mixed-use community core with residential, service-based commercial and local businesses, and institutional and community uses (Countryside Village). Proposal is for conventional suburban subdivision. Status: Unresolved. Due to the limited size and physical constraints of the subject property, the application does not achieve the design objectives envisioned for a Countryside Village, which would justify higher residential densities. A residential cluster at 0.33 units per acre or 63 total units is recommended. ○ Provide 50 percent open space consistent with RGP policies for Transition Policy Area. Status: Resolved. 50% identified on Concept Development Plan (CDP). ○ Provide additional non-residential uses within community core (office, convenience retail, etc.) Status: Unresolved. The application proposes institutional, recreational, community and service-based commercial uses but does not include an office or multi-family component. Further, no commitments have been made to establish non-residential commercial uses on the site beyond identifying their location on the CDP. ○ Provide minimal front yard setbacks to promote streetscape envisioned for villages and architectural elements typical to rural landscape. Status: Resolved. Minimum setbacks identified on CDP. ○ Commitment to provide a variety of lot sizes with smaller lot sizes near or around community core. Status: Resolved by CDP revision and Proffer XI.A. ○ Provide sidewalk/trail/crosswalk connections to neighborhood parks / amenities and adjacent Dawson's corner. Also provide interparcel access. Status: Resolved. Pedestrian circulation plan provided and described in Proffer V.A. Interparcel access identified on CDP. ○ Include elements of river and stream corridor resources / locate development outside the resource. Status: Resolved. 50-foot resource management buffer provided. ○ Preserve existing drainageways and wetlands / mitigate disturbances on-site. Status: Resolved. 50-foot resource management buffer provided. Open space and park areas expanded to protect onsite wetlands. ○ Consider LIDs to mitigate surface water runoff into Occoquan Reservoir. Status: Resolved by Proffer X. ○ Provide permanent fencing, research, interpretation, and signage for onsite cemetery. Status: Resolved by Proffer VI. ○ Commit to passive noise abatement measures to mitigate road noise impact from future Loudoun County Parkway. Status: Resolved by Proffer X.C.

REFERRAL AGENCY	ISSUES EXAMINED AND STATUS
	<ul style="list-style-type: none"> ○ Provide ADUs of various unit types dispersed throughout community / commit to unmet housing needs up to 100% AMI. Status: Resolved by XII. ○ Mitigate Capital Facilities impact (application includes request for capital facilities credit for school site). Status: Unresolved. The Applicant has also requested capital facilities credit for transportation improvements for as much as \$3.2 million. Staff does not support granting a capital facilities credit for non-capital facilities such as transportation improvements.
Environmental Review Team	<ul style="list-style-type: none"> ○ Locate development plan layout outside river and stream corridor. Status: Resolved by CDP revision. ○ Provide wetland mitigation prioritization. Status: Resolved by Proffer X. ○ Compensate for minor encroachments within River and Stream Corridor Buffer. Status: Resolved by Proffer X. ○ Provide enhanced erosion and sediment controls. Status: Resolved by Proffer X.
Zoning	<ul style="list-style-type: none"> ○ Notation, graphic, zoning reference, and tabular revisions. Status: Resolved by plat revision. ○ Zoning Ordinance Modifications for yard requirements, total gross floor area for convenience establishments, and buffer requirements for convenience establishments. Status: Unresolved. The PD-CV (Planned Development – Countryside Village) zoning district was developed to implement the Countryside Village policies of the RGP. The Applicant is seeking a rezone to the PD-H3 zoning district. The PD-CV district would otherwise accommodate the proposed design. In light of the project's site constraints and inability to meet the RGP design objectives, specifically, office uses in addition to the proposed child care and retail, a Residential Cluster is recommended. As such, staff does support the proposed modifications.
Transportation	<ul style="list-style-type: none"> ○ Provide off-site transportation improvements consistent with Revised Countywide Transportation Plan ("2010 CTP"). Status: Unresolved. Proffer policies outlined in the 2010 CTP anticipate improvements to the planned road network versus improvements to those roads not identified as part of the 2010 CTP. Improvements to an unimproved local rural road (Bull Run Post Office) are inconsistent with the 2010 CTP. ○ Provide adequate typical section and right-of-way for Bull Run Post Office Road from site to Braddock Road. Status: Resolved. Typical section shown on CDP. ○ Provide Traffic Signal at Braddock Road / Bull Run Post Office Road Intersection. Status: Resolved. Commitment to signal identified in Proffer III.C.3.

REFERRAL AGENCY	ISSUES EXAMINED AND STATUS
	<ul style="list-style-type: none"> ○ Provide ROW dedication and appropriate section of Loudoun County Parkway north to Braddock Road. Status: Resolved. Typical section shown on CDP. ○ Reduce access points onto Bull Run Post Office Road in anticipation of Loudoun County Parkway. Status: Resolved by CDP revision. ○ Provide Multi-purpose trail along property frontage and trail/sidewalk plan for project. Status: Resolved by pedestrian circulation plan and Proffer V.A. ○ Transit contribution. Status: Resolved. \$500 contribution per market rate unit provided.
Emergency Services	<ul style="list-style-type: none"> ○ Provide fire-rescue contribution consistent with adopted County policy for such contributions. Status: Resolved. A one-time contribution of \$ 120 per market rate unit to be distributed to the primary volunteer fire and rescue company. Contribution exceeds County policy.
County Attorney	<ul style="list-style-type: none"> ○ Proffer statement approved as to legal form. Status: Complete
Disclosure of Real Parties in Interest	<ul style="list-style-type: none"> ○ Received and attached, dated March 14, 2011

IV. PLANNING COMMISSION REVIEW AND RECOMMENDATION

The Planning Commission held a public hearing regarding this application on November 19, 2007. One member of the public spoke regarding the application. The Commission voted 7-0-2 (Hsu, Syska absent) to forward the application to a subsequent worksession for further discussion.

At its worksession on December 10, 2007, the Planning Commission voted 8-1 (Lewis opposed) to forward the application to the Board of Supervisors with a recommendation of approval based on the Findings below and contingent upon the Applicant providing an interparcel connection to the south, incorporating a Transportation Exhibit identifying two options for off-site transportation improvements into the concept development plan; and a revision to the transit proffer to allow the proffered funds to be used for regional road improvements.

FINDINGS

1. The proposed zoning application is compatible with existing and proposed development in proximity to the property and provides elements of a Countryside Village such as open space, commercial uses, single-family detached and attached dwelling units, and appropriate recreational facilities.

2. The proposal is in accordance with the Revised 1993 Zoning Ordinance.
3. The rezoning application proffers improvements to an existing road network which will assist in the implementation of the Revised Countywide Transportation Plan;
4. The application preserves appropriate environmental resources on the property. The proposal will minimize impacts on state waters, wetlands, and the structural capacity of soils.

V. PROJECT REVIEW

A. CONTEXT

Background

As noted above, the Applicant extended the application decision deadline following the Planning Commission's recommendation for approval in 2007 in order to continue negotiations with the adjacent landowners regarding off-site right-of-way necessary to support transportation improvements noted on Sheet 9 of the Concept Development Plan (CDP). The Applicant submitted revised materials on February 9, 2011, and requested that the application be scheduled for a Board of Supervisors public hearing. The revised materials included revisions in response to the above-noted Planning Commission recommendations as well as an additional commitment to improve Bull Run Post Office Road from the southern property line south to Cedar Ridge Boulevard. The revised materials were forwarded to Loudoun County Public Schools (LCPS) and Office of Transportation Services (OTS). LCPS has submitted an updated assessment as well as confirmed their interest in securing the public use site for a future elementary school. OTS requested an updated traffic study in order to verify that the study is valid. The revised traffic study was received on March 29, 2011, and is currently under review by OTS staff. An update will be provided at the Board public hearing.

Proposed Development

The application proposes up to 215 single-family detached units and 140 single-family attached units at an overall density of 1.88 dwelling units per acre. Of the 355 units proposed, 310 will be market rate units with the remaining 45 units designated as Affordable Dwelling Units (ADUs). The application also proposes up 40,000 square feet of convenience retail uses. Three zoning modifications are requested in order to increase the total combined gross floor area for convenience establishments and eliminate open space buffer requirements for convenience establishments adjacent to residential use.

Location

The subject property consists of three parcels generally bounded to the north by an unnamed tributary to Ellick Run, to the west by Ticonderoga Farms, to the south by Buffalo Run Lane and an unnamed tributary to Bull Run, and to the east by the Bull Run

Post Office Road. Existing and proposed developments in proximity to the site include South Riding to the north, Dawson's Corner and Cedar Crest to the south, and Ticonderoga Farm to the west and north.

Transportation

The subject parcels are currently accessed via Route 621 (Bull Run Post Office Road), an unpaved local rural road. The Concept Development Plan (CDP) identifies two points of entry to the site from Bull Run Post Office Road. Interparcel connections to properties west and south of the site are proposed within Landbays B and C. The Applicant proposes to realign the planned Loudoun County Parkway along the Property's frontage to Bull Run Post Office Road.

Site Conditions

The property is partially wooded across varying elevations. Areas of minor and major floodplain are present along Ellick Run and its unnamed tributaries near the northern edge of the property, south of the proposed Public Use Site. An unnamed tributary to Bull Run also exists along the southern edge of the property. Isolated wetlands are scattered throughout the property. Two ponds exist near the center of the site.

The subject parcels are located partially within the AI (Airport Impact) Overlay District and within one (1) mile of the Ldn 60 aircraft noise contour associated with Dulles International Airport.

The area is undeveloped except for two residences - one to the north and one to the south of the tributary to Ellick Run. A 6.3-acre outparcel containing a residence and landscaping contractor is located within the southern portion of the proposed development (Landbay C). A historic cemetery is located within proposed Landbay A (Public Use Site).

B. SUMMARY OF OUTSTANDING ISSUES

Staff has identified the following outstanding issues for consideration by the Board of Supervisors:

1. **Land Use Policies for Lower Sycolin Subarea / Lower Bull Run.** As a conventional suburban development, the application is not fully consistent with the land use policies of the Revised General Plan ("RGP"). Policies recommend higher densities only in Countryside Villages. The Villages are envisioned to be larger in scale (up to 100 units) with a mixture of residential, recreational, service-based commercial and local businesses, office, institutional, and community uses. Higher density residential uses, such as townhomes and low density multi-family units, are anticipated to surround a mixed-use community core with lower density units at the periphery of the development. The application proposes institutional, recreational, community and service-based commercial uses but does not include an office or multi-family component. Further, no commitments have been made to establish

non-residential commercial uses on the site beyond identifying their location on the CDP. The size and configuration of the site, as well as the outparcel located within the south-central portion of the proposed development, hinder the ability of the project to achieve the design objectives envisioned by the Plan for a Countryside Village, which would otherwise justify the proposed residential density. In light of the project's site constraints and inability to meet the RGP design objectives and recommended mix of uses, a Residential Cluster, which would permit 63 units, is recommended, consistent with the residential densities of the existing and approved planned developments with the Lower Foley and Lower Bull Run Subareas.

2. **Off-Site Transportation Improvements.** The Applicant proposes two options to provide improved public road access to the site from Braddock Road. The County is to notify the Owner of the preferred option within 120 days of the issuance of the first residential zoning permit for the development. Option 1 will require the Applicant to construct an improved two-lane Bull Run Post Office Road (currently unpaved) from Braddock Road south to Cedar Ridge Boulevard. Option 2 will require the Applicant to construct a two-lane half section of the planned Route 606 Loudoun County Parkway (formerly Tri-County Parkway) from the intersection of Ticonderoga Road and Braddock Road southeast to the subject property and along Bull Run Post Office Road across the frontage of the property. Both improvements will require acquisition of off-site right-of-way. Neither improvement would be required to be constructed prior to the 64th residential zoning permit¹. The County anticipates proffered road improvements to support roads identified in the 2010 Revised Countywide Transportation Plan ("2010 CTP"), or in this case, the planned Loudoun County Parkway. Improvements to an unimproved local rural road such as Bull Run Post Office Road are seen as "throw-away" improvements should Bull Run Post Office Road be terminated in a cul-de-sac at Braddock Road or abandoned once Loudoun County Parkway is constructed. Improving Bull Run Post Office Road is inconsistent with the 2010 CTP and therefore cannot be supported by staff. Lastly, the Applicant has requested capital facilities credit for transportation improvements for as much as \$3.2 million. The estimated construction cost of the improvements has not been confirmed by OTS staff. Staff does not support granting a capital facilities credit for the transportation improvements because doing so means a higher public cost to mitigate the capital costs associated with the new residential units.
3. **Revised Traffic Impact Study.** Given the significant time that has passed since the previous traffic study, the Applicant has provided an updated study that is currently under review by OTS staff. Staff will provide an update at the public hearing regarding what changes to the Applicant's proffered transportation improvements, if any, are recommended.

¹ The Applicant can develop 63 residential units "by-right", which would not otherwise require off-site improvements to Bull Run Post Office Road (based on trip generation).

C. OVERALL ANALYSIS

REVISED GENERAL PLAN

The property is located within the Lower Foley and Lower Bull Run subareas of the Transition Policy Area, and is suitable for transition uses. The majority of the site is located within the Lower Foley subarea with the southern portion of the site located within the Lower Bull Run subarea. The policies of the 2010 Revised Countywide Transportation Plan (“2010 Revised CTP”) and the Bicycle and Pedestrian Mobility Master Plan (“Bike/Ped Plan”) also apply.

Land Use

The majority of the property is located within the Lower Foley subarea (approximately 153.31 acres) with the southern portion being located within the Lower Bull Run subarea (approximately 36.75 acres). The Applicant has proposed a development pattern with some characteristics of a Countryside Village. Countryside Villages and Residential Clusters are envisioned for the Lower Foley subarea, while Rural Villages and Residential Clusters are envisioned in the Lower Bull Run subarea. Densities up to 2 dwelling units per acre are envisioned for Countryside Villages in the Lower Foley subarea while densities up to 1 dwelling unit per 3 acres are envisioned in the Lower Bull Run subarea.

Villages are envisioned to be larger in scale and self-sustaining, with a mixture of residential, recreational, service-based commercial and local businesses, and institutional and community uses. The Plan calls for villages exceeding 100 dwelling units to provide a compact, mixed-use community core that will serve as the focal point for the development and provide convenience goods and services to residents. Civic and institutional uses should constitute the predominant non-residential uses within the community core, with office and commercial retail uses permitted at scales necessary to foster a self-sustaining community. Higher density residential uses, such as townhouses and low-density apartments, should be located near or around the community core, with lower density residential uses at the periphery of the development. The Applicant has included in the proffer statement a commitment to locate higher-density units on smaller lots within Landbay B closer to the community core than larger-lot units with the same Landbay as recommended by Staff.

The proposed project is separated into four landbays (A through D) in an effort to meet the characteristics of a Countryside Village. Landbays are described below, moving from north to south (see Figure 1 below):

- Landbay A: Proposes as a 23.1-acre public use site. Approximately 8.8 acres are comprised of stream corridor resources, including approximately 6.3 acres of floodplain and 2.5 acres of scenic creek valley and management buffers, leaving approximately 14.3 acres for the construction of a school or other public facilities. The landbay also contains an historic cemetery.

- Landbay B: Proposes 115 residential units. The landbay also contains a pocket park and a neighborhood park, which includes a tot lot.
- Landbay C: Comprised of 240 units, a 9.5-acre community center and recreation site, 2 pocket parks, a neighborhood park, and a 20-acre conservancy along the western boundary. The landbay surrounds an approximately 6.3-acre outparcel containing a residence and landscaping business. The draft proffers state that the community center would be a minimum of 1,500 square feet and contain a minimum 25-meter pool.
- Landbay D: Proposes a 5.7-acre site which will contain a day-care facility and a neighborhood commercial center. It is intended to meet the service and retail needs of the immediate community. The Applicant has requested a zoning modification to increase the combined maximum floor area for these facilities from 25,000 square feet to 40,000 square feet.

Overall, the size of the site, approximately 190 acres, does not support the types of uses envisioned within a Countryside Village. The PD-CV (Planned Development – Countryside Village) zoning district was developed to implement the Countryside Village policies of the Plan while the Applicant is seeking a rezoning to the PD-H3 (Planned Development – Housing) zoning district. The PD-CV zoning district calls for a district size of no less than 500 acres with incremental and contiguous additions of land. The Applicant has made an effort to implement the design objectives envisioned by the Plan for a Countryside Village; however, due to constraints associated with the site, a Residential Cluster is more appropriate in this location. Staff notes that developments to the south are 1 dwelling unit per acre (Dawson's Corner) and 1 dwelling unit per 3 acres (Cedar Crest), which would be compatible with the Residential Cluster option. If the property were to be developed with residential clusters, it would yield approximately 63 units. Staff recommends the Applicant seek a Residential Cluster.

Open Space

The Revised General Plan calls for Countryside Villages in the Lower Foley subarea to maintain at least 50% of the site as open space. Open space design should take into consideration the natural features of the site and should consist of natural areas around the periphery of the development. The remaining open space may consist of other natural areas, tot lots, athletic fields, parks, and greens that are dispersed throughout the community to allow for easy pedestrian access. Greens and other maintained passive parks should serve both a recreational and a design function, located in high visible areas or in conjunction with civic uses.

The proposed Concept Development Plan (CDP) provides natural open space as well as active recreation space in the form of pocket parks, neighborhood parks and tot lots, a community center/active recreation site, and perimeter buffers totaling 95 acres (50%), consistent with Plan policy.

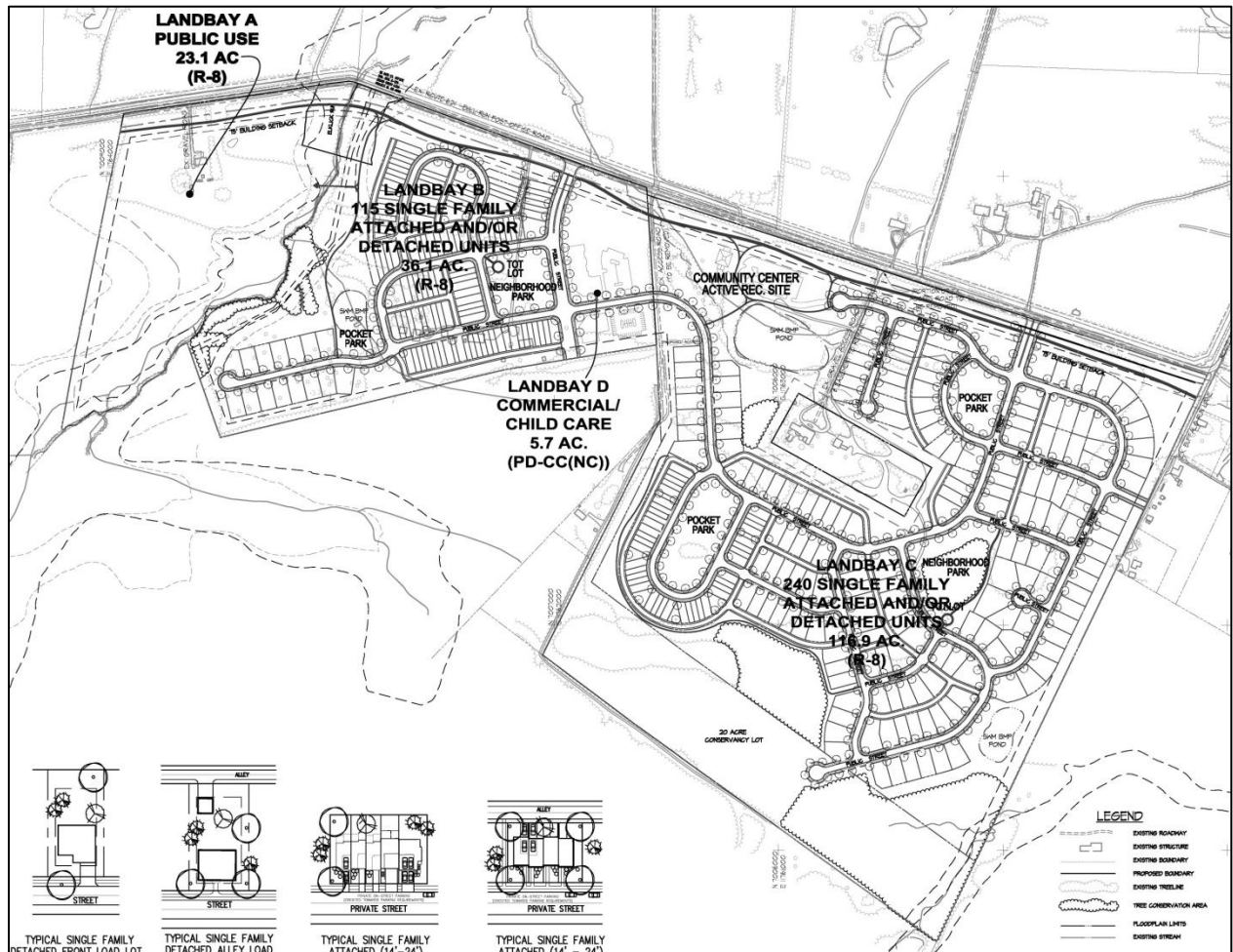


Figure 1. Concept Development Plan

Civic Space

The Plan calls for civic and institutional uses to be the predominant non-residential use within Villages and be located within the core. However, large-scale civic or institutional uses requiring more than 15 buildable acres can be located on the periphery of an individual neighborhood or in core areas on roads that can accommodate the anticipated traffic volume. Civic uses may include elementary schools and community centers.

The CDP delineates a public use site in the northern portion of the proposed development (Land Bay A). The approximately 23.1 acre site will be used for a school or park (see proffer IV.B.1, Attachment 5). Loudoun County Public Schools believes the site can be developed as an elementary school. Staff can support this proposal.

Non-Residential Uses Within the Community Core

The RGP states that non-residential uses should be consistent with the scale of surrounding developments as well as the rural landscape and not dominate over the natural landscape.

A community center/active recreation site and childcare/civic use site are proposed as the community core for the development. Staff requested information regarding the the child care/civic use along with a site layout. In response, the Applicant added 5.7 acres Commercial / Child Care site with a zoning modification to permit a combined gross floor area for both neighborhood convenience commercial uses and a child care facility up to 40,000 square feet. An illustrative has been provided to depict a possible configuration of the uses on Landbay D (Sheet 4, Attachment 6). No office uses are proposed and no phasing information is provided for these non-residential uses.

SITE DESIGN

Streetscape

The Plan calls for interior streets in villages to be tree-lined with houses built close to the road to frame the street. The architectural character should be consistent throughout the development and be compatible with the rural landscape.

Staff requested information regarding landscaping, streetscape design, and the architectural character of the proposed development. Sheet 4 of the CDP provides a plan-view illustrative with potential street tree locations. The Applicant states the requested zoning ordinance modifications are an effort to promote the streetscape envisioned for Residential Clusters and Villages.

In an effort to promote architectural elements typical to the rural landscape, such as porches, roof overhangs, and entrance overhangs, the Applicant has committed to these design elements and will develop design guidelines for reference in the project's HOA documentation.

The Applicant has proffered a 10-foot wide multi-purpose trail along the future Loudoun County Parkway, crosswalks at site entrances, 5-foot wide sidewalks on both sides of all streets, 6-foot wide trails within the development and also added a pedestrian crossing to the public use site. The Applicant states that a requested trail connection was not provided to the Dawson's Corner development to the south due to a tree conservation area and a BMP facility. Sidewalk connections are provided in conjunction with the interparcel roadway connections to the west and south.

EXISTING CONDITIONS

River and Stream Corridor Resources

The unnamed tributaries to Ellick Run and Bull Run and adjoining floodplains along with the 50-foot management buffer, as called for in the Revised General Plan together constitute the river and stream corridor resources. The Applicant has annotated a 50-foot management buffer around the floodplain for the unnamed tributary to Ellick Run in the northern portion of the site and the unnamed tributary to Bull Run in the southwest portion of the site, consistent with RGP policy.

Staff also recommended that all trails within the river and stream corridor be constructed of permeable materials. The Applicant has not made specific commitments to permeable materials within the river and stream corridors, stating trails will be designed to minimize impacts and that the maintenance costs of permeable trails are an unreasonable burden on the HOA.

Surface Water

The subject site contains drainageways and wetlands as identified in the submitted Waters of the U.S. Delineation Report dated October 26, 2006. Staff recommended a redesign of several areas to avoid disturbance of wetland resources and to ensure their continued functionality. The Applicant responded by increasing the size of two open space and park areas in the southern portion of the site in an effort to help protect the integrity of the wetlands areas while allowing usable open space for residents. The Applicant has also agreed to wetlands mitigation for any impacts. A wetlands and associated drainageway in the southeastern portion of the project site would be eliminated as part of the project. To address loss of the wetland and drainageway, the Applicant revised the proffer statement to include a prioritization of wetlands impacts (Proffer X, Attachment 5).

Stormwater Management

Plan policies call for “appropriate standards to protect natural streams from the harmful effects of increased stormwater volume and velocity resulting from development.” Furthermore, the County promotes water conservation through low impact development techniques.

The surface water from the proposed development will flow to Ellick Run, through the Sully Woodlands Regional Park in Fairfax County, and eventually into the Occoquan Reservoir, a major source of drinking water for Northern Virginia. Due to the sensitivity of these water resources, staff recommended that low impact development (LID) techniques be employed to treat stormwater runoff as close as possible to proposed impervious surfaces. LID uses natural vegetation and small-scale treatment systems to treat and infiltrate rainfall close to the source. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store,

evaporate, and detain stormwater runoff. LID locates water quality measures at the closest possible proximity to proposed impervious areas. Three stormwater management/BMP ponds are shown on the CDP, two of which are existing ponds.

The Applicant has committed to work with the County to implement LID measures deemed likely to be effective on the property (Proffer X.F.5, Attachment 5).

Historic and Archaeological Resources

The Applicant submitted a Phase 1 Archeological Survey dated October 2006 which identifies a historic period cemetery in the northern portion of the subject site (Landbay A). The cemetery has been delineated on the Concept Development Plan and the Applicant has committed to both interim and permanent fencing as well as a commitment to identify the cemetery as a probable slave cemetery.

Roadway Noise Impacts

Plan policies call for applications that propose land uses adjacent to existing and/or proposed arterial and major collector roads to design the site so that no residential or other noise-sensitive land use will incur traffic noise impacts. Loudoun County Parkway, a major collector road, is proposed along the eastern boundary of the subject site. The Applicant has agreed to complete a noise study and submit it to the County concurrently with the first site plan or construction plan, whichever is first in time. For all impacted uses, the Applicant has committed to provide noise attenuation measures sufficient to mitigate the anticipated noise impacts prior to the issuance of occupancy permits for any impacted structures.

AFFORDABLE HOUSING/UNMET HOUSING NEEDS

On September 18, 2007, the Board of Supervisors adopted revised housing policies with particular attention to unmet housing needs of households earning up to 100% of the Washington Metropolitan Area Median Income (AMI), that being the area of greatest need in the County. Policies also recognize that the largest segment of unmet need is housing for incomes below 30% AMI. To help meet these needs, developers of residential and mixed-use projects should include funding commitments and proffers to fulfill unmet housing needs in their development proposals. The Applicant has committed to provide a \$250 per market rate unit cash contribution to the County Housing Trust Fund to facilitate construction of additional affordable housing units.

CAPITAL FACILITIES

Capital facility impacts have been calculated for the proposed application including the costs associated with the provision of safety, government, recreation, and education services, etc. The total projected capital facilities impact of the proposed development is \$12,888,440. The County assumes responsibility for the capital facilities impacts up

to the base density of 1 dwelling unit per acre 3 acres. As such, the net capital facilities impact would be the equivalent of \$9,938,843.

Staff has recommended that the capital facility impacts of the proposed development be mitigated. The Applicant has committed a capital facilities contribution that includes a per unit cash contribution and a capital facilities credit for a public use site (\$1,600,000)². However, the Applicant has also requested capital facilities credit for transportation improvements for as much as \$3,200,000. Staff does not support granting a capital facilities credit for the transportation improvements because doing so means a higher public cost to mitigate the capital costs associated with the new units.

TRANSPORTATION

Existing, Planned and Programmed Roads

The subject site is currently served by Bull Run Post Office Road, a two-lane, unpaved local rural road. No improvements have been programmed for the road in the 2010 CTP; however, the existing crossing of the tributary to Elklick Run north of the subject site is currently being upgraded. Braddock Road is planned to be a four-lane median divided road between the Fairfax County line and North Star Boulevard (formerly Route 659 Relocated). Much of the road has been paved to at least a two-lane section. Loudoun County Parkway (formerly the Tri-County Parkway) is shown in the 2010 Revised Countywide Transportation Plan ("2010 CTP") as a six-lane median divided road in a 120-foot right-of-way between Braddock Road and the Fairfax County line.

The Applicant proposes to realign LCP along the eastern boundary line of the property, generally along the existing alignment of Bull Run Post Office Road. The current 2010 CTP alignment bisects the property. Improvements to the Ticonderoga Road / Braddock Road intersection and Ticonderoga Road in support of the planned alignment are currently under construction as part of Loudoun County Public School's development of the MS-5 Middle School (SPEX 2009-0017).

Trip Generation by Proposed Uses

As proposed, the development will generate 758 AM peak hour trips, 585 PM peak hour trips, and 6,035 daily trips³.

Proposed Transportation Improvements

An outline of the Applicant's proposed transportation improvements are described in the Land Use Impact Factors chart on page 6 of this report.

² An appraisal submitted by the Applicant valuing the public use site is consistent with CPAM 2006-0001, Proffered Land Site Valuation Methodology

³ Trips generated by the development at anticipated build-out (2019) as indicated in updated Traffic Impact Study dated March 29, 2011

Summary of Transportation Issues/Comments

Off-Site Road Improvements

The Applicant proposes to construct one of two road segments to provide public road access to the site. The Applicant's preferred "Option 1" proposes to upgrade Bull Run Post Office Road, currently a 30-foot prescriptive easement. The project's forecasted traffic volumes will require a VDOT road section in excess of the easement; therefore, the Applicant will be required to acquire additional right-of-way along Bull Run Post Office Road from Braddock Road south to the property. Additional improvements to Bull Run Post office Road south to Cedar Ridge Boulevard are offered by the Applicant and are not otherwise required as a result of the traffic impact of the project.

The Applicant alternative "Option 2" proposes construction of a two-lane half section of the planned Loudoun County Parkway (formerly Tri-County Parkway) from the intersection of Ticonderoga Road and Braddock Road south to the subject property. Like Option 1, additional right-of-way will be required for the length of the improvement.

Proffer policies outlined in the 2010 CTP anticipate improvements to the planned road network versus improvements to those roads not identified as part of the 2010 CTP. Improvements to an unimproved local rural road such as Bull Run Post Office Road are seen as "throw-away" improvements when the road section is later abandoned in support of the CTP road network. Option 1 is inconsistent with proffer policies and is therefore not supported by Staff.

Lastly, the Applicant has requested a capital facilities credit for the above-noted transportation improvements for as much as \$3.2 million. The estimated construction cost of the improvements has not been confirmed by OTS staff.

Revised Traffic Impact Study.

The Applicant has provided an updated study that is currently under review by OTS staff. Staff will provide an update at the public hearing regarding what changes to the Applicant's proffered transportation improvements, if any, are recommended.

FIRE and RESCUE

Fire and Rescue staff has no objection to the approval of this application. The Applicant has proffered a one-time contribution of \$120 per market rate unit to be paid to the County for equal distribution by the County to the primary volunteer fire and rescue company providing service to the Property. This contribution exceeds the County adopted policy for such contributions.

D. ZONING ORDINANCE MODIFICATIONS

Section 6-1504 of the Revised 1993 Zoning Ordinance states “The regulations of the PD district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. No modifications shall be permitted which affect uses, density, or floor area ratio of the district. ... No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project.”

Zoning Modifications

1. Section 4-107(D). To increase the maximum permitted total gross floor area of a combination of convenience establishments in one location from 25,000 square feet to 40,000 square feet.

Applicant Justification. The Applicant states child care and neighborhood commercial uses in Landbay D are in accordance with Plan policy and with the intent of the Planned Development-Housing district. The proposed increase in gross floor area for the proposed commercial uses is consistent with the scale of the surrounding residential neighborhoods.

Staff Comment and Recommendation: As noted above, the size and configuration of the site, as well as the outparcel located within the south-central portion of the proposed development, hinder the ability of the project to achieve the design objectives envisioned by the Plan for a Countryside Village. In light of the project's site constraints and inability to meet the RGP design objectives, specifically, office uses in addition to the proposed child care and retail, a Residential Cluster is recommended. As such, staff does support the proposed modification.

2. Sections 4-109(D) and 4-110(J). To eliminate the required minimum 75-foot permanent open space buffer with Type 3 Buffer Yard for shopping centers and convenience establishments adjacent to residential districts or residential uses.

Applicant Justification. The Applicant states the RGP recommends that residential, mixed-use developments, including Villages, employ conservation design techniques in order to preserve greater amounts of open space and significant environmental features of the site. Also, suburban and village communities are encouraged by the RGP to move community center uses closer to the street, to provide for a more compact, pedestrian scale environment. Implementing the County required setbacks in this case would discourage and prohibit this design goal.

Staff Comment and Recommendation: The above-noted Plan policy references community center uses rather than the use to which the modification would apply (convenience establishments). The PD-CV (Planned Development – Countryside Village) zoning district was developed to implement the Countryside Village policies of the Plan while the Applicant is seeking a rezone to the PD-H3 zoning district. The PD-CV district would otherwise accommodate the proposed design. As such, staff does not support the proposed modification.

E. ZONING ORDINANCE CRITERIA FOR APPROVAL

In accordance with Section 1-103(N)(1), applications for special exception and zoning concept plan amendments for any industrially zoned property administered under the 1993 Loudoun County Zoning Ordinance shall be processed in accordance with the provisions of Article VI in effect at the time any such application is submitted and considered. Therefore, this application has been reviewed for conformance with Article VI of the Revised 1993 Loudoun County Zoning Ordinance.

Zoning Map Amendment (ZMAP)

Section 6-1211(E) of the Revised 1993 Loudoun County Zoning Ordinance states " ... (i)f the application is for reclassification of property to a different zoning district classification on the Zoning Map ..., the Planning Commission shall give reasonable consideration to the following matters ...":

Standard (1) *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*

Analysis The proposed PD-H3 zoning district classification (administered as R-8 and PD-CC-NC) is not consistent with the land use policies set forth in the Revised General Plan (Transition Policy Area – Lower Foley and Lower Bull Run).

Standard (2) *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.*

Analysis There have been no changes in the area that would alter the planned land use pattern and policies of the Transition Policy Area. A Countryside Village or Residential Cluster is an appropriate use of this property.

Standard (3) *Whether the range of uses in the proposed zoning district classification is compatible with the uses permitted on other property in the immediate vicinity.*

- Analysis The uses permitted in the proposed zoning district (PD-H3) could be compatible with other uses permitted, subject to implementation of Transition Policy Area development criteria for the Lower Foley and Lower Bull Run Subareas. Which, as noted above, have not been fully implemented as part of the proposed application.
- Standard (4) *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.*
- Analysis Adequate utilities, sewer and water, transportation and other facilities exist to serve the uses proposed or will otherwise be provided by the Applicant.
- Standard (5) *The effect of the proposed rezoning on the County's ground water supply.*
- Analysis The proposed rezoning is not anticipated to have an adverse affect on the County's ground water supply. Public water and sanitary sewer service will be provided by Loudoun Water. Storm water management / Best Management Practices (BMPs) and other conservation measures will be implemented by the Applicant.
- Standard (6) *The effect of the uses allowed by the proposed rezoning on the structural capacity of the soils.*
- Analysis Compliance with the requirements of the County's Facilities Standards Manual (FSM) regarding structural capacity of soils will be evaluated at the time of construction plan review for the development.
- Standard (7) *The impact that the uses permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.*
- Analysis The proposed rezoning will be served by existing and proffered road networks as evaluated by the Applicant's Traffic information and reviewed by Staff; however, the Applicant's proposed option to improve Bull Run Post Office Road is inconsistent with the 2010 CTP. The timing and extent of the Applicant's proposed transportation improvements continues to be discussed. Existing and proffered road networks will divert construction traffic away from existing neighborhoods and school areas.
- Standard (8) *Whether a reasonably viable economic use of the subject property exists under the current zoning.*

- Analysis Plan policies allow the development of the site under the existing TR-3LF and TR-3LBR zoning districts in a clustered development served by public sewer and water. Projects in this area with densities as low as 1 dwelling per 3 acres served by public utilities indicate that such development is viable.
- Standard (9) *The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.*
- Analysis The proposed design avoids most stream corridor and wetland areas of the site and proposes to conserve open space areas of the property, which contain varying forms of forest cover, wetlands, and floodplains.
- Standard (10) *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.*
- Analysis The application proposes residential development in an area planned for such uses and provides several non-residential uses to serve the community, nominally enlarging the tax base.
- Standard (11) *Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.*
- Analysis The proposed rezoning application is intended to meet future demand for residential development within the County and will not negatively impact existing or future agriculture uses. The proposed rezoning provides a total of 40,000 square feet of commercial uses.
- Standard (12) *Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.*
- Analysis The proposed rezoning would add residential units and some non-residential uses in support of community needs.
- Standard (13) *Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.*
- Analysis The proposed rezoning would support the maintenance of property values in the area and sustain the residential nature of the area.

Standard (14) *Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the County and the capacity of existing and/or planned public facilities and infrastructure.*

Analysis The proposed rezoning addresses the need for housing and proffers capital facilities contributions in order to offset housing impacts on services. However, the Applicant has also requested capital facilities credit for transportation improvements for as much as \$3.2 million. Staff does not support granting a capital facilities credit for the transportation improvements due to increased costs to the County to mitigate the capital costs associated with the new units.

Standard (15) *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.*

Analysis The Applicant will provide affordable dwelling units (ADUs) as part of the rezoning proposal, in accordance with applicable Zoning Ordinance requirements. The Applicant will also provide \$250 per dwelling unit to the County Housing Trust Fund to facilitate the County's unmet housing needs for households up to 100% of the Washington Metropolitan Area Median Income (AMI)

Standard (16) *The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.*

Analysis The proposed design protects several natural features of the site. Archaeological surveys were conducted on the property. One of the five archaeological sites on the property recommended for further investigation (cemetery) will be protected.

VII. ATTACHMENTS (UNLESS NOTED OTHERWISE, ATTACHMENTS ARE AVAILABLE ELECTRONICALLY AND MAY BE OBTAINED FROM THE DEPARTMENT OF PLANNING AND/OR LOUDOUN ONLINE LAND APPLICATIONS SYSTEM (LOLA))	PAGE NUMBER
1. Review Agency Comments	
a. Planning, Comprehensive Planning (10-5-07, 6-15-07)	A-1
b. Building and Development, Zoning (9-19-07, 5-07-07)	A-29
c. Building and Development, Environmental Review Team (9-27-07, 6-11-07)	A-38
d. Office of Transportation Services (7-27-07, 6-6-07,)	A-51
e. Virginia Department of Transportation (9-18-07, 5-1-07)	A-61
f. Department of Construction and Waste Management, Proffer Referral Team (04-06-11)	A-64
g. Loudoun County Public Schools (03-29-11, 9-27-07, 3-19-07)	A-68
h. Loudoun County Sanitation Authority (5-10-07)	A-76
i. Health Department (3-9-07)	A-77
j. Fire, Rescue, and Emergency Services (5-21-07)	A-78
k. Parks, Recreation, and Community Services (10-11-07)	A-79
l. Community Information and Outreach (10-11-07, 3-20-07)	A-83
m. Virginia Department of Conservation and Recreation (5-7-07)	A-87
n. Fairfax County Department of Planning and Zoning (5-8-07)	A-89
o. Fairfax County Park Authority (5-10-07)	A-93
2. Disclosure of Real Parties in Interest (03-14-11)	A-97
3. Applicant's Response to Referral Comments (02-09-11, 12-05-07, 10-30-07, 8-17-07)	A-115
4. Applicant's Statement of Justification (02-04-11)	A-202
5. Applicant Draft Proffer Statement (04-22-11)	A-217
6. Plat / Concept Development Plan (revised 04-12-11)	Follows A-240